

REMARKS

Applicants present claims **70-92** for consideration. Claims **70** has been amended in accordance with the Examiner's direction in copending cases 08/682,496 and parent 08/569,816. Claim **85** has been amended to depend from claim **70** in accordance with the Examiner's suggestion. A request to cancel claims **1-3** has been made. The present divisional application contains one independent claim **70**.

INFORMATION DISCLOSURE STATEMENT

The IDS dated July 17, 1996 was missing one of the Kunzler references and its date. The Examiner will find enclosed a copy of the cited Kunzler reference, entitled "Silicone Hydrogels for Contact Lens Application". The date on this reference is February 1995.

CLAIM CANCELLATION / MISSING PAGE

Claims **1-3** have not been canceled because the Examiner did not receive page 99. Accordingly, a copy of page 99 is enclosed with this Amendment. In addition, another request to cancel claims **1-3** is made with this Amendment.

ENABLEMENT

35 U.S.C. 112, first paragraph

A. Claim **84** stands rejected under *35 U.S.C. 112, first paragraph*, as lacking sufficient enablement. [point 19]

The Examiner states that the concept of "short relaxation time" was not properly defined in the specification. Applicants respectfully disagree. The following quotation from pages 24-25 of the Specification will clarify the short relaxation time constant:

In order to analyze stress relaxation data, a three element Maxwell-Wiechert model (a spring and two spring-dashpot elements in parallel) may be assumed for the polymer material. For this model the stress relaxation modulus is given by the following equation:

$$E(t) = E_0 + E_1 \exp(-t/t_1) + E_2 \exp(-t/t_2)$$

Stress v. time curves may be normalized to the maximum (initial) stress induced in the samples. These curves may be analyzed by a variety of commercially available software (for example, ORIGIN software) by fitting the double exponential equation:

$$y(t) = y_0 + A_1 \exp(-t/t_1) + A_2 \exp(-t/t_2)$$

in order to obtain the stress relaxation parameters y_0 , t_1 , A_1 , t_2 , and A_2 .

It has been determined that the tensile modulus (modulus of elasticity, E) and the short relaxation time constant (t_1) correlate well with on-eye movement. In order to have appropriate on-eye movement, a lens preferably has a tensile modulus of less than about 3 MPa. More preferably, E is about 0.4 to about 2.5 MPa while a particularly preferred E is about 0.5 to about 1.5 MPa.

A preferred short relaxation time constant (t_1) is greater than about 3.5 seconds. More preferably, t_1 is greater than about 4 seconds, while a particularly preferred t_1 is greater than about 4.5 seconds. [underlining emphasis added]

Thus, the "short relaxation time constant" may be determined in accordance with the procedures described in this section of the Specification. In view of this explanation, reconsideration and withdrawal of the rejection of claim **84** under 35 U.S.C. 112, *first paragraph* is respectfully requested.

B. Claims 70-84 and 86-92 stand rejected under 35 U.S.C. 112, *first paragraph*, as lacking sufficient enablement. [point 21]

It is believed that a similar rejection in the parent case was dealt with in the Examiner Interview of Sept. 3, 1997. Independent claim **70** has been amended to specify the ion permeability and oxygen permeability in accordance with direction given in the Examiner Interview. In view of the Examiner Interview in the related cases and the present claim amendments, reconsideration and withdrawal of the rejection of claim **70**, and claims dependent thereon, under 35 U.S.C. 112, *first paragraph* is respectfully requested.

INDEFINITENESS*35 U.S.C. 112, second paragraph*

Claims **86-87** and **89-92** stand rejected under *35 U.S.C. 112, second paragraph*, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention [point 20]. The Examiner indicated that Applicants should specify the ion used to measure the claimed ion permeability coefficients.

The sole pending independent claim **70** has been amended to clarify that the measurements were *measured with respect to sodium ions*.

In view of the claim amendments, reconsideration and withdrawal of the rejections under *35 U.S.C. 112, second paragraph* is respectfully requested.

NOVELTY AND OBVIOUSNESS*35 U.S.C. 102(b) and 103(a)*

Claims **70-84** and **86-92** stand rejected under *35 U.S.C. 102(e)* or *102(b)* as being anticipated by **Lai**, U.S. Patent No. 5,310,779; **McGee**, et al., U.S. Patent No. 5,387,663; or **Yokoyama**, et al., U.S. Patent No. 5,346,946 [item 22].

This rejection is believed to have been addressed by amending the sole independent claim in accordance with the Sept. 3 Examiner Interview held for two copending related cases, one of which is the parent case. In view of the amendments made with respect to the direction given by the Examiner in the interview, the claims are believed to be in condition for allowance. Consideration and allowance of the amended claims is respectfully requested.

FEES AND CONCLUSION

The Office action dated **June 24, 1997** is set to expire on **Dec. 24, 1997**. Accordingly, Applicants hereby petition for a three (3) month extension of time and authorize the payment of any fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to **Deposit Account No. 19-0134**.

In view of the above amendments and discussion, all the claims are believed to be in a condition for allowance. Reconsideration and allowance of the solicited claims is respectfully requested.

If the Examiner feels that a telephone conversation would be helpful, the Examiner is invited to contact Applicants' Attorney Scott Meece at (770) 418-3054.

Respectfully submitted,



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